

REMARKS

Claims 12-27, 38-41, 43, and 48 were presented for examination and were pending in this application. In an Official Action dated April 3, 2006, all pending claims 12-27, 38-41, 43, and 48 were rejected.

No amendment is made herein.

Summary of Substance of Interview

Applicant's representatives, Rajiv Patel (Reg. No. 39,327) and Jae Won Song (Ltd. Rec. No. L0203) had a telephone interview with Examiner Ranodhi Serrao on June 21, 2006 to discuss the Office Action. Independent claims 12, 38, 43, and 48 and the cited references, McKeeth (US Patent No. 6,763,362) and Tams (US Patent No. 6,279,037), were discussed.

Applicant's representatives explained that neither McKeeth nor Tams discloses or even suggests the claim limitation that the popularity of the retrieved web pages is determined from or indicated by information extracted from packets actually traversing the network, as variously recited in claims 12, 38, 43, and 48.

More specifically, Applicant's representatives explained that, while McKeeth mentions the term "popularity" of a link or a web site, the "popularity" of a link or web site in McKeeth is not determined from information extracted from packets traversing the network. Rather, it was explained that McKeeth merely discloses determining the "popularity" of a link or web site by counting how many times that link was selected using a redirection counter at the search engine server (which stores the source search result that contains the links) or by counting how many times the web site was visited using a counter at the destination web site. In contrast, the popularity as recited in claims 12, 38, 43, and 48 is determined from information extracted from packets actually traversing the network, which is distinct from counters at the source search result or the destination web site.

In addition, Applicant's representatives explained that Tams merely discloses a general network traffic probe that collects network traffic data in general, but fails to disclose or even suggest using the collected network traffic data to determine the popularity of a particular web page as recited in claims 12, 38, 43, and 48.

Thus, Applicant's representatives argued that the Office Action has failed to establish *prima facie* obviousness, because neither McKeeth nor Tams discloses or even suggests the claim limitation that the popularity of the retrieved web pages is determined from or indicated by information extracted from packets actually traversing the network, as variously recited in claims 12, 38, 43, and 48.

However, no agreement was reached with the Examiner.

Response to Claim Rejections under 35 USC §103

In paragraphs 5-11 of the Office Action, claims 12, 22, 26, 27, 38, 43, and 48 were rejected as being obvious over McKeeth and Tams. This rejection is traversed.

Independent claim 12 recites "...monitoring packets traversing the network and extracting information on the packets..." and "...the popularity of the web pages being proportionate to actual number of visits to the web pages as indicated by the extracted information..."

Independent claim 38 recites "...the popularity of the retrieved web pages being determined based upon information extracted from packets traversing the Internet and being proportionate to actual number of visits to the web pages as indicated by the extracted information."

Independent claim 43 also recites "...monitoring packets traversing the network and extracting information on the packets..." and "...determining the popularity of the web pages

based upon the extracted information, the popularity of the web pages being proportionate to actual number of visits to the web pages...”

Independent claim 48 also recites “...monitoring packets traversing the network and extracting information on the packets...” and “...the popularity of the each of the links being proportionate to number of times each of the links is actually traversed as indicated by the extracted information...”

In summary, independent claims 12, 38, 43, and 48 variously recite determining the popularity of the web pages or links using information extracted from packets actually traversing the network, where the popularity is proportionate to actual number of visits to the web pages.

McKeeth fails to disclose or even suggest determining the popularity of the web pages using the information extracted from the packets actually traversing the network. While McKeeth mentions the term “popularity” of a link or a web site, the “popularity” of a link or web site in McKeeth is not determined from information extracted from packets traversing the network.

Rather, McKeeth merely discloses determining the “popularity” of a link or web site by counting how many times that link was selected using a redirection counter at the search engine server (which stores the source search result that contains the links) or by counting how many times the web site was visited using a counter at that destination web site. *See McKeeth, col. 7, line 35 to col. 8, line 40.* Thus, the “popularity of links” in McKeeth is merely an indication of how many times a search engine selects the link as a search result in response to user queries, or how many times a user accessed a document associated with a link, or how many times a site was visited as determined by a counter on that site. Such popularity in McKeeth is determined using counters at the source search result document

including the links or at the destination web page, as opposed to packet information extracted the packets actually traversing the network.

In contrast, the popularity as variously recited in claims 12, 38, 43, and 48 is determined from information extracted from packets actually traversing the network, which is distinct from counters at the source search result or the destination web site. As a result, the inventions of claims 12, 38, 43, and 48 have significant advantages over McKeeth.

First, because the popularity of links in McKeeth is merely determined based upon the number of times the link is accessed only from a particular search engine, it is impossible for the popularity of links in McKeeth to reflect how many times the link was selected in, for example, other search engines outside that particular search engine, and thus the popularity of the link in McKeeth would not be able to indicate the accurate, total number of times the link was selected by all search engines. In contrast, the inventions of claims 12, 38, 43, and 48 make it possible to determine the true popularity of a web site that reflects the number of times the web site was visited by various Internet traffic even outside a particular search engine, because the popularity is determined based upon information extracted from the packets actually traversing the Internet, rather than from information merely on a particular search engine.

Second, because the popularity of links in McKeeth is determined based merely upon how many times a site was visited as determined by a counter on that particular site, such popularity information would not be available to the search engine itself or other Internet entities external to that particular site, unless the popularity information is provided from that particular site maintaining the count to the search engine or other Internet entities external to that site. In contrast, the inventions of claims 12, 38, 43, and 48 make it possible to determine the popularity of a web page without having to obtain such popularity information

from that particular web site or even communicating with that particular web site to obtain the popularity information, because the popularity information is determined based upon information extracted from the packets actually traversing the Internet (external to that web site).

In addition, Tams merely discloses a network traffic probe that collects network traffic data in general, but fails to disclose or even suggest using the collected network traffic data to determine the popularity of a particular web page as recited in claims 12, 38, 43, and 48. *See Tams, col. 2, lines 13-28; col. 10, lines 4-18.* Tams nowhere suggests that the network traffic probe analyzes the collected network traffic data to determine the popularity of a particular web page for use in ranking Internet search results.

To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. See MPEP §2143.03. The deficient disclosures of McKeeth and Tams preclude the Examiner from establishing even a *prima facie* basis from which a proper determination of obviousness of claims 12, 38, 43, and 48 can be made. Furthermore, there is no motivation whatsoever suggested in Tams to use the network traffic probes in combination with the search engine of McKeeth to determine the popularity of a web site. Therefore, it is respectfully submitted that independent claims 12, 38, 43, and 48 are patentably distinct from McKeeth and Tams.

Claims 22, 26, and 27 depend from claim 12 and thus all arguments set forth above regarding claim 12 with respect to McKeeth and Tams are equally applicable to claims 22, 26, and 27. Thus, it is respectfully submitted that claims 22, 26, and 27 are also patentably distinct from McKeeth and Tams.

In paragraphs 12-15 of the Office Action, claims 13-15 and 39-41 were rejected as being obvious over McKeeth and Tams and further in view of Bharat (US Patent No. 6,526,440). This rejection is traversed.

Claims 13-15 and 39-41 depend from claim 12 and 38, respectfully, and thus all arguments set forth above regarding claims 12 and 38 with respect to McKeeth and Tams are equally applicable to claims 13-15 and 39-41. In addition, Bharat also fails to disclose or suggest determining the popularity of the web pages using the information extracted from the packets actually traversing the network. In fact, the Examiner merely relied upon Bharat for the alleged disclosure of the page rank concept relevant to claims 13-15 and 39-41.

To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. See MPEP §2143.03. The deficient disclosures of McKeeth, Tams, and Bharat preclude the Examiner from establishing even a *prima facie* basis from which a proper determination of obviousness of claims 13-15 and 39-41 can be made. Therefore, it is respectfully submitted that claims 13-15 and 39-41 are also patentably distinct from McKeeth, Tams, and Bharat.

In paragraph 16-18 of the Office Action, claims 16-17 were rejected as being obvious over McKeeth and Tams and further in view of Vo (US Patent Application Publication No. 2003/0229692). This rejection is traversed.

Claims 16-17 depend from claim 12, and thus all arguments set forth above regarding claim 12 with respect to McKeeth and Tams are equally applicable to claims 16-17. In addition, Vo also fails to disclose or suggest determining the popularity of the web pages using the information extracted from the packets actually traversing the network as recited in claim 12. In fact, the Examiner merely relied upon Vo for the alleged disclosure of placing

the network monitoring devices in locations where aggregate traffic can be monitored or at a traversal point for monitoring complete bi-directional activity.

To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. See MPEP §2143.03. The deficient disclosures of McKeeth, Tams, and Vo preclude the Examiner from establishing even a *prima facie* basis from which a proper determination of obviousness of claims 16-17 can be made. Therefore, it is respectfully submitted that claims 16-17 are patentably distinct from McKeeth, Tams, and Vo.

In paragraphs 19-22 of the Office Action, claims 18-20 were rejected as being obvious over McKeeth and Tams and further in view of Pulley (US Patent Application Publication No. 2002/0087679). This rejection is traversed.

Claims 18-20 depend from claim 12, and thus all arguments set forth above regarding claim 12 with respect to McKeeth and Tams are equally applicable to claims 18-20. In addition, Pulley also fails to disclose or suggest determining the popularity of the web pages using the information extracted from the packets actually traversing the network as recited in claim 12. In fact, the Examiner merely relied upon Pulley for the alleged disclosure of the specific types of information (e.g., URI or URL, client IP address, server IP address, host name, etc.) that are extracted from the packets.

To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. See MPEP §2143.03. The deficient disclosures of McKeeth, Tams, and Pulley preclude the Examiner from establishing even a *prima facie* basis from which a proper determination of obviousness of claims 18-20 can be made. Therefore, it is respectfully submitted that claims 18-20 are patentably distinct from McKeeth, Tams, and Pulley.

In paragraph 23 of the Office Action, claim 23 was rejected as being obvious over McKeeth and Tams and further in view of Matsliach (US Patent No. 6,879,994). This rejection is traversed.

Claim 23 depends from claim 12, and thus all arguments set forth above regarding claim 12 with respect to McKeeth and Tams are equally applicable to claim 23. In addition, Matsliach also fails to disclose or suggest determining the popularity of the web pages using the information extracted from the packets actually traversing the network as recited in claim 12.

In addition, claim 23 recites “the processing module maintains a plurality of counters corresponding to a URL and increments a count of one of the counters if the extracted information indicates that the web page corresponding to the URL was visited by a client device located in a geographical location corresponding to the counter of which the count was incremented, the count indicating the number of visits to the web page from client devices in the corresponding geographical location.” The Examiner points to col. 16, lines 16-35 of Matsliach for the disclosure of this limitation. However, col. 16, lines 16-35 of Matsliach does not disclose or even mention maintaining multiple counters for different geographical locations and counting the number of visits to the web page from client devices in corresponding geographical locations. Indeed, col. 16, lines 16-35 of Matsliach does not even mention the term “geographical location” and has nothing to do with maintaining multiple counters for different geographical locations, but merely discusses a process for responding to a user query regarding popular web sites.

To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. See MPEP §2143.03. The deficient disclosures of McKeeth, Tams, and Matsliach preclude the Examiner from establishing even a *prima*

facie basis from which a proper determination of obviousness of claim 23 can be made.

Therefore, it is respectfully submitted that claim 23 is also patentably distinct from McKeeth, Tams, and Matsliach.

In paragraph 24 of the Office Action, claim 24 was rejected as being obvious over McKeeth and Tams in view of Matsliach, and further in view of Pulley. This rejection is traversed.

Claim 24 depends from claim 23, and all arguments set forth above regarding claim 23 with respect to McKeeth, Tams, and Matsliach are equally applicable to claim 24. In addition, Pulley also fails to disclose or suggest determining the popularity of the web pages using the information extracted from the packets actually traversing the network as recited in claim 12 from which claim 23 and claim 24 depend. In fact, the Examiner merely relied upon Pulley for the alleged disclosure of a distinct IP address.

To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. See MPEP §2143.03. The deficient disclosures of McKeeth, Tams, Matsliach, and Pulley preclude the Examiner from establishing even a prima facie basis from which a proper determination of obviousness of claim 24 can be made. Therefore, it is respectfully submitted that claim 24 is also patentably distinct from McKeeth, Tams, Matsliach, and Pulley.

In paragraphs 25-27 of the Office Action, claims 21 and 25 were rejected as being obvious over McKeeth and Tams in view of Matsliach, and further in view of Sehm (U.S. Patent Application Publication No. 2005/0021731). This rejection is traversed.

Claim 21 depends from independent claim 12 and claim 25 is dependent from claim 23 which is in turn is dependent from independent claim 12. Thus, all arguments set forth above regarding claims 12 and 23 with respect to McKeeth, Tams, and Matsliach are equally

applicable to claims 21 and 25. In addition, Sehm also fails to disclose or suggest determining the popularity of the web pages using the information extracted from the packets actually traversing the network as recited in claim 12 from which claim 21 and claim 23 depend. In fact, the Examiner merely relied upon Sehm for the alleged disclosure of discarding packets relating to invalid URLs or automatically generated packets.

To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. See MPEP §2143.03. The deficient disclosures of McKeeth, Tams, Matsliach, and Sehm preclude the Examiner from establishing even a *prima facie* basis from which a proper determination of obviousness of claims 21 and 25 can be made. Therefore, it is respectfully submitted that claims 21 and 25 are also patentably distinct from McKeeth, Tams, Matsliach, and Sehm.

In conclusion, it is respectfully submitted that all pending claims 12-27, 38-41, 43, and 48 are in condition for allowance. Favorable action is solicited.

Respectfully submitted,
Rohit Chandra

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By:


Jae Won Song, Ltd. Rec. No. L0203
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Phone: (650) 335-7164
Fax: (650) 938-5200